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January 17, 2020

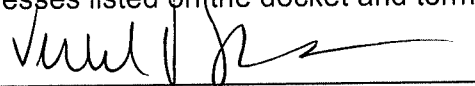
VIA ECF

Hon. Vincent L Briccetti
United States District Court, Southern D
The Hon. Charles L. Brieant Jr. Federal
300 Quarropas St.
White Plains, NY 10601-4150

Plaintiff's letter motion is incomplete. Plaintiff's counsel writes "[c]opies of the discovery requests are annexed as Exhibit A." However, there is no Exhibit A appended to the instant letter motion. By January 23, 2020, plaintiff shall file Exhibit A on the docket.

Moreover, pursuant to the Court's January 6, 2020 Order (Doc. #46), defendants' deadline to respond to the letter motion is January 31, 2020, at which time the Court will decide how to proceed.

The Clerk is instructed to mail a copy of this Order to pro se defendants Jorge Ayala and Denisse Ayala Garcia at their addresses listed on the docket and terminate Doc. #47

 1/17/20

Vincent L. Briccetti, U.S.D.J., Date

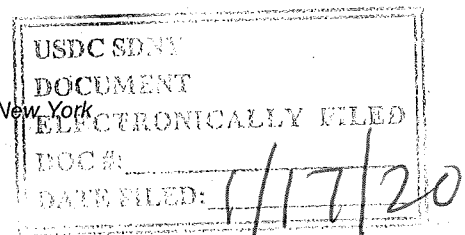
Re: *Herrera Isidoro, et al. v. La Fonda Restaurant and Tapas Bar Inc., et al.*
18-cv-5066 (VB)

Dear Judge Briccetti:

We represent Plaintiff Raquel Herrera Isidoro ("Plaintiff") in the above-referenced matter. We hereby request an informal conference with the Court pursuant to Local Civil Rule 37.2 and Your Honor's Individual Practice in Civil Cases 2.B.i to address the failure of individual defendants Jorge Ayala and Denise Ayala Garcia to respond to document requests and interrogatories served by Plaintiff, and to produce responsive documents.

Plaintiff served interrogatories and documents through their prior attorneys on all defendants on or about November 14, 2018. Copies of the discovery requests are annexed as Exhibit A. To date, Defendants have not responded to the interrogatories and document requests. This is the case even though the Court had ordered on August 26, 2019 that all pending document requests and interrogatories shall be responded to by November 26, 2019 and all discovery shall be completed by December 31, 2019. (Dkt. No. 41) The undersigned had reminded Defendants of their obligation to respond to the outstanding discovery several times by email and telephone in December. On a telephone call on or about December 23, 2019 with James Gonzalez, a business

Certified as a minority-owned business in the State of New York



partner of Defendants and the (non-attorney) individual who has taken a proactive role in assisting Defendants, the undersigned was told that production would be forthcoming. However, no written responses were provided. Defendants did produce a single document: a purported report of the dates and time of credit card transactions at a cash register. Because Defendants did not respond in writing, Plaintiff does not know if there are other documents responsive to Plaintiff's requests which have not been produced.

Plaintiff respectfully requests that the Court compel the Defendants to respond to the interrogatories and documents requests in writing and produce any responsive documents, upon penalty of other sanctions provided for by Rule 37 of the Federal Rules of Civil Procedure, including preclusion of evidence and testimony and striking of Defendants' answer if they fail to comply with the court's order. Plaintiff also requests pursuant to Rule 37 that Defendants pay Plaintiff's attorneys' fees for the making of this motion.

The parties met and conferred by telephone and in person at the January 6, 2020 Court conference.

Respectfully Submitted,

/s/Joshua S. Androphy
Joshua S. Androphy